

REMARKS

Claims 1 - 48 are pending in the present application.

Applicant notes with appreciation that the Examiner indicates that claims 7, 15, 23, 31, 39 and 47 would be allowable if rewritten in independent form. However, Applicant believes that all of the claims are currently in condition for allowance and, therefore, placing the aforementioned claims into independent form does not appear to be necessary.

In section 3 of the Office Action, claims 1 – 6, 8 – 14, 16 – 22, 24 – 30, 32 – 38, 40 – 46 and 48 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,596,260 to Moravec et al. (hereinafter "the Moravec et al. patent"). Of this set of claims, six are independent, namely claims 1, 9, 17, 25, 33 and 41. Applicant clarified an aspect of independent claims 1, 17 and 33 that is neither disclosed nor suggested by the Moravec et al. patent, and Applicant is traversing the rejection with respect to independent claims 9, 25 and 41.

Claim 1 provides for a method of indicating extant battery life. The method includes, *inter alia*, (i) initially determining, over a first duration, a first extant battery life value having a first confidence level, and (ii) determining, over a second duration, a second extant battery life value having a second confidence level. The second duration is greater than the first duration.

The Moravec et al. patent discloses a method of determining a charge of the battery of a battery operated electronic device (column 2, lines 29-31). The method is summarized within column 2, lines 31-50 but outlines establishing a battery state model, comprising a number of charge states; determining a discharge curve specifying battery voltage as a function of time through actual measurements and periodically measuring the battery voltage. The method further comprises computing a voltage probability distribution over the range of battery states and updating the battery discharge model; resulting in an updated battery discharge model where the mean value is displayed to the user.

In the Moravec et al. patent, the determination of the battery charge and subsequent determinations of battery charge is the same for each determination. The Moravec et al. patent

does not outline that the time taken by each determination is different and **does not allude to each determination having a different time duration**. Consequently, the Moravec et al. patent does not disclose or suggest a determination of a first extant battery life over a first duration and determination of a second extant battery life over a second duration, **wherein the second duration is greater than the first duration**, as recited in claim 1. Thus, the Moravec et al. patent does not anticipate claim 1.

Independent claims 17 and 33 each include a recital similar to that of claim 1, as described above. Thus, for reasoning similar to that provided in support of claim 1, independent claims 17 and 33 are also novel over the Moravec et al. patent.

Claim 9 also provides for a method of indicating extant battery life. The method includes, *inter alia*, determining a first extant battery life value having a first confidence level during operation of an apparatus in a first mode, and determining a second extant battery life value having a second confidence level during operation of the apparatus in a second mode.

Page 4 of the Office Action suggests that the Moravec et al. patent discloses the features of claim 9 within col. 4, lines 20-68, col. 5, line 17 – col. 6, line 6). However, Applicant has not found any disclosure in the Moravec et al. patent of **an apparatus operating in a first mode and in a second mode**. Consequently, Applicant submits that the Moravec et al. patent does not disclose determining a first extant battery life value ... during operation of an apparatus **in a first mode**, and determining a second extant battery life value ... during operation of the apparatus **in a second mode**, as recited in claim 9. Thus, Applicant also submits that the Moravec et al. patent does not anticipate claim 9.

Independent claims 25 and 41 each include a recital similar to that of claim 9, as described above. Thus, for reasoning similar to that provided in support of claim 9, independent claims 25 and 41 are also novel over the Moravec et al. patent.

Claims 2 – 6 and 8 depend from claim 1, claims 10 – 14 and 16 depend from claim 9, claims 18 – 22 and 24 depend from claim 17, claims 26 – 30 and 32 depend from claim 25, claims 34 – 38 and 40 depend from claim 33, and claims 42 – 46 and 48 depnd from claim 41.

By virtue of these dependencies, claims 2 – 6, 8, 10 – 14, 16, 18 – 22, 24, 26 – 30, 32, 34 – 38, 40, 42 – 46 and 48 are all also novel over the Moravec et al. patent.

Applicant respectfully requests reconsideration and withdrawal of the section 102(b) rejection of claims 1 – 6, 8 – 14, 16 – 22, 24 – 30, 32 – 38, 40 – 46 and 48.

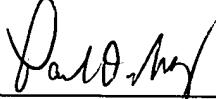
As mentioned above, Applicant amended claims 1, 17 and 33 to clarify a feature that is neither described nor suggested by the art of record. Applicant also amended claims 1, 9, 17, 25, 33 and 41 for one or more of (a) deleting an extraneous hyphen, (b) improving form, or (c) improving grammar. None of the amendments is intended to narrow the scope of any term of any claim. Therefore, the doctrine of equivalents should be available for all of the terms of all of the claims.

In view of the foregoing, Applicant respectfully submits that all claims presented in this application patentably distinguish over the prior art. Accordingly, Applicant respectfully requests favorable consideration and that this application be passed to allowance.

Respectfully submitted,

8-10-04

Date


Paul D. Greeley, Esq.

Reg. No. 31,019

Attorney for the Applicant

Ohlandt, Greeley, Ruggiero & Perle, L.L.P.

One Landmark Square, 10th Floor

Stamford, CT 06901-2682

Tel: 203-327-4500

Fax: 203-327-6401